

REMARKS

The Applicants would like to thank the Examiner for the courtesies extended during the interview of September 21, 2007 (the “Interview”). In light of the discussion which took place during the Interview, in combinations with the remarks set forth herein, the Applicants believe that the pending claims recite limitations which are not taught or suggested in the art of record. Accordingly, the Applicants request that the pending rejections be withdrawn, and that the claims be allowed in their current form.

New claims 18-20 were added. The previously filed claims were amended in accordance with the marked-up amendments, above. The amendments are fully supported by the specification, claims, and figures as originally filed. No new matter is believed or intended to be involved.

The office action mailed July 17, 2007 (“Office Action”) rejected claims 11 and 12 under 35 U.S.C. § 112, ¶ 2 for allegedly having insufficient antecedent basis for “the analysis engine.” The Office Action also rejected claims 1-17 under 35 U.S.C. § 102(b) as anticipated by U.S. Published Application 2002/0106070 (“Elsey”). For at least the reasons forth below, the Applicants traverse each of those rejections, and request that they be withdrawn, and that the pending claims be allowed in their current form.

All Claims Meet the Requirements of 35 U.S.C. § 112

In response to the assertion that claims 11 and 12 include insufficient antecedent basis for “the analysis engine,” those claims have been amended as follows:

11. The system of claim 1, further comprising an analysis engine, wherein the analysis engine is ~~further~~ configured to determine the number of times the first response is generated by the first response system.

12. The system of claim 1, further comprising an analysis engine, wherein the analysis engine is ~~further~~ configured to update the analysis database when the first response is generated by the first response system.

The Applicants submit that the amendments to claims 11 and 12 are not intended to change the scope of those claims, and that no new matter is introduced by those amendments.

Additionally, the Applicants submit that, as amended, claims 11 and 12 clearly meet the requirements of 35 U.S.C. § 112, ¶ 2. Accordingly, the rejections of those claims based on that section should be withdrawn.

Also, as discussed during the Interview, there is an obvious error in claim 1, which, as originally filed, included the following clause:

a second response system in communication with the global knowledge database, the *first* response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database, the second response system being of a second type of response system [italics added]

The Applicants assert that reference to the first response system in the phrase “the first response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database” is an obvious error, because the remainder of the clause is focused on the second response system and because the fourth clause of claim 1 refers to a response provided by the second response system, which should logically be the response referred to in the third clause. Accordingly, to remedy that obvious error, the third clause of claim 1 has been amended as follows:

a second response system in communication with the global knowledge database, the ~~first~~ second response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database, the second response system being of a second type of response system

The Applicants submit that no new matter is introduced by the amendment to the third clause of claim 1, and that support for that amendment can be found in at least claim 1 and paragraph 24 of the application as originally filed.

Each of the Pending Claims Includes Limitations Not Taught or Suggested in Elsey

Claim 1

The Applicants note that claim 1 is directed to a system for processing user inquiries which comprises both a first and a second response system. The Applicants further note that both the first and second response system as recited in claim 1 are in communication with a global knowledge database and that both the first and second response systems are configured to provide responses to user inquiries using responses from the global knowledge database. This represents a substantial improvement over the prior art, because the use of multiple response systems which are able to use the same knowledge database to provide responses to

user inquiries allows the implementation of consistent response strategies across response systems, while, using the prior art, such a consistent strategy would not have been possible. *See, e.g.*, ¶¶ 5-6 of the Background of the Invention section of the application as originally filed (“these disparate response systems do not enable a consistent response strategy for addressing user inquiries. A phone operator, for example, could generate a different response to a particular inquiry than would an automated system...A system and method are needed to provide a consistent response strategy across all types of response systems.”).

By contrast with the present invention, the invention of Elsey is directed to “capturing and processing data concerning events such as those occurring during a communication, e.g., information assistance calls.” Elsey, ¶ 2. Elsey discloses a system which includes both a voice response unit and operator telephones and terminals. Elsey, fig. 1, component numbers 18, 20 and 30. Elsey also teaches a database which human operators can use to obtain information which can then be provided to callers. *E.g.*, Elsey, ¶ 32 (“An operator may also utilize database server 26 to provide additional assistance including searching by type of goods/services and/or geographic region...”). Additionally, during the Interview, the Examiner directed the Applicants’ attention to the following disclosure from paragraph 29 of Elsey:

Operators may utilize database server 26 to provide information assistance including searching for a customer’s desired party and determining the appropriate destination number of the party. The destination number is then provided to the customer via VRU 30 which provides a synthesized voicing of the number.

At that time, the Examiner asserted that that passage showed that two different response systems (operator and VRU) were in communication with the database server and able to provide the user with a response using that server.

Upon review, the Applicants submit that Elsey does not teach or suggest that two response systems are each in communication with a knowledge database and able to provide a response from that database, even assuming that the database server disclosed in Elsey can be considered a knowledge database including a plurality of responses as recited in claim 1. The reason for this is simple: Elsey teaches that only the live operator is able to communicate with and use the database server to respond to inquiries. The section of Elsey discussed during the Interview, paragraph 29, does not teach that the VRU is in communication with the database server. Rather, it teaches that the operator is in communication with the database server, and that the VRU is in communication with the operator, *not* with the database server. *See* Elsey, ¶ 29 (describing the operator using the database server to find a

destination number, and then providing the destination number to the VRU, which provides it to the caller). This type of indirect communication does not imply communication between the VRU and the database server, because it is known in the art to use automated systems as intermediaries between human agents and callers. *See, e.g.*, U.S. Published Application 2001/0010714 (“Nemoto”) which states in the abstract that “A screener listens to the audio and enters a screener recognition result at the screener interface. The screener recognition result is synthesized into a voice response message by the voice response unit and transmitted to the caller for confirmation.” This can be used for a variety of reasons, including increasing customer satisfaction, and increasing the customer’s confidence in an automated system. *See, e.g.*, Nemoto ¶ 5 (“Customer satisfaction seems to require that once an operator starts dealing with a caller, the call must continue to be handled on a manual basis and that requires a certain amount of time. Intervention by an operator who takes over a call when the caller is having difficulty with an automated system only seems to confirm in the callers mind that the automated system does not or can not work properly...”). Accordingly, paragraph 29 of Elsey does not teach or suggest that the VRU is in communication with or able to use the database server. Similarly, the sections of Elsey originally cited as teaching a second response system which is an automated response system, paragraphs 31 and 33, do not teach or suggest that the automated response system is in communication with or able to use the database server. Instead, they teach that, if a caller is transferred to a destination number and does not receive an answer, “switch 14 instructs VRU 30 to present, in synthesized voice, a menu of options to the customer” (Elsey, ¶ 30) but nowhere do they teach or suggest that the menu of options might be stored in the database server, or that it is a response to a user inquiry, rather than a prompt provided to stimulate the user to continue an interaction. Thus, there is no teaching or suggestion anywhere in Elsey that a first response system and a second response system are both in communication with a knowledge database, and are able to provide responses to customer inquiries using responses stored in that database, as is recited in claim 1.

The fact that the VRU of Elsey is not in communication with the database server, and can only provide a response when instructed how to do so by the operator is brought into sharp relief by paragraph 28 of Elsey, which states that: “Each incoming information assistance call from a customer is received by switch 14 in center 10 which connects it to an available operator’s telephone. If no operator is available when a call is received, the call is queued in a conventional manner until an operator becomes available.” If the VRU of Elsey were able to communicate with and use the database server, then Elsey would not have

described waiting for a live operator to handle a call, since live operators are substantially more expensive than automated systems. *See* ¶¶ 2-3 of the subject application. While the Applicants are aware that claim language is given its broadest reasonable interpretation during prosecution, the Applicants submit that it is not reasonable to treat Elsey, which teaches a VRU which is *not* in communication with a global knowledge database and which is *not* configured to provide a response to a user inquiry using a responses from the global knowledge database as anticipating a system which includes the limitations of

a second response system in communication with the global knowledge database, the second response system configured to provide a second response to a second user inquiry using a response included in the global knowledge database

Accordingly, the rejection of claim 1 as anticipated by Elsey should be withdrawn, and that claim should be allowed in its current form.

Claims 2-12

The Applicants note that each of claims 2-12 depends, either directly or indirectly, from claim 1, and therefore contains each limitation of that claim. Accordingly, because each of claims 2-12 incorporates each limitation from claim 1 by virtue of their dependencies, the rejections of claims 2-12 should be withdrawn for the same reasons as given above regarding claim 1.

Further, in addition to incorporating the novel limitations of claim 1 by virtue of their dependencies, claims 2-12 also recite additional limitations which can be used to provide independent bases for patentability. For example, claim 4 recites the limitation of “the second response system comprises an automated response system operable to communicate with the knowledge database independent of the first response system.” As set forth above regarding claim 1, Elsey discloses a VRU which an operator can communicate with, and discloses that the operator can communicate with a database server. To the extent that the Examiner concludes that a human operator providing information from a database server to a VRU teaches or suggests an automated response system in communication with a knowledge database, claim 4 specifically distinguishes such a transaction by stating that the automated response system is operable to communicate with the knowledge database *independent* of the first response system. Accordingly, the Applicants submit that, even if claim 1 is not deemed to be patentably distinct from Elsey, claim 4 clearly recites limitations not taught or suggested in that reference and therefore should be allowed in its present form.

Claim 13

The Applicants note that claim 13 is directed to a method for managing user inquiries which comprises providing a response to a user inquiry using a response system, storing an indication of the response and the response system in an analysis database, and generating a report using the indication of the response and response system. Further, the Applicants note that claim 13 has been amended to recite that the report comprises an illustration of responses organized into a plurality of categories, and that selection of a category of responses causes a display of linked additional data. These amendments do not introduce new matter into the application, and are supported by at least paragraphs 27-29 of the application as filed. Reports of the type recited in claim 13 represent a significant improvement over the prior art because they can be beneficially employed by a human to identify potential issues with individual response systems and/or an overall response strategy. *See, e.g.*, ¶ 8 of the application as originally filed (“Other embodiments of the disclosed technology generate reports based on aggregated information and/or generate recommendations to address problems with the individual response systems or the overall strategy for responding to customer inquiries.”). Paragraph 32 of the application as filed provides a concrete example of how a report which is generated based on both the response and response system can improve an organization’s interaction with callers: “if the reports indicate that a particular inquiry is being too often handled by email, an automated agent could be modified to better handle that category of inquiry, hopefully reducing overall costs.” As set forth below, the cited portions of Elsey do not teach or suggest the generation of reports at all, let alone a report which comprises an illustration of responses organized into a plurality of categories, where the selection of a category causes a display of additional linked data.

Turning to the cited portions of Elsey, the section of Elsey which was cited as teaching the generation of reports, paragraph 39, discloses data compression and transmission techniques, and is simply irrelevant to the generation of reports. *See, e.g.*, Elsey ¶ 39 (“Event monitor server 43 further processes the data in the received event record to achieve effective communication of the data through a communication network...To that end, processor 311 at step 413 performs compression of the event data before its transmission.”). The remainder of Elsey is similarly devoid of disclosure which teaches or suggests generating a report as recited in claim 13. For example, during the Interview, it was asserted that the tables disclosed in paragraph 49 of Elsey teach the generation of a report such as is recited in claim 13. However, the Applicants note that paragraph 49 of Elsey describes tables which are used in internal computer processes by the system described in that reference, and are not reports

such as recited in claim 13. *E.g.*, Elsey ¶ 49 (“The daemon process also performs decompression of the event data according to a translation table inverse to the above-described translation table in configuration file 315.”). Indeed, the Applicants note that the term “report” does not appear *anywhere* in Elsey. Further, to the extent that the tables disclosed in Elsey are treated as teaching or suggesting the creation of reports, there is no indication that those tables comprise an illustration of responses organized into categories, or that selecting a category causes additional information to be displayed. Accordingly, the rejection of claim 13 as anticipated by Elsey should be withdrawn, and that claim should be allowed in its current form.

Claims 14-16

The Applicants note that each of claims 14-16 depends, either directly or indirectly, from claim 13, and therefore contains each limitation of that claim. Accordingly, because each of claims 14-16 incorporates each limitation from claim 13 by virtue of their dependencies, the rejections of claims 14-16 should be withdrawn for the same reasons as given above regarding claim 13.

Further, in addition to incorporating the novel limitations of claim 13 by virtue of their dependencies, claims 14-16 also recite additional limitations which can be used to provide independent bases for patentability. For example, claim 15 recites that “generating the report comprises generating an overlaid contact graph. As discussed above, paragraphs 39-49 of Elsey, which were originally cited as teaching the limitations of claim 15, disclose data compression methods and various other techniques which can be utilized in the internal operation of the system of Elsey. These paragraphs cannot reasonably be interpreted as teaching a report comprising an overlaid contact graph which, as is clear from reviewing paragraphs 20-23 and figure 5 of the application as originally filed, is a technique for presenting information to a human in visual form. Thus, the rejection of claim 15 as anticipated by Elsey should be withdrawn because that reference does not teach or suggest generating a report comprising generating an overlaid contact graph.

As a further point of distinction from Elsey, claim 15 has been amended to recite that the “overlaid contact graph comprises a plurality of shapes, and...the dimensions of the plurality of shapes are determined by data retrieved from the analysis database.” Even if the tables of Elsey were interpreted as being tables for presenting information to a person, rather than internal tables used in the operation of an automated system, those tables would clearly not teach or suggest the use of an overlaid contact graph such as described in claim 15,

because that overlaid contact graph comprises shapes whose dimensions are determined by information retrieved from the analysis database (i.e., graphics) while Elsey teaches, *at most*, the use of symbols (i.e., numbers) and does not include any disclosure which even suggests that the dimensions of those symbols are determined by information retrieved from an analysis database. Additionally, the Applicants submit that no new matter has been introduced by the amendments to claim 15. While the specification of the present application does not explicitly include the words “shapes” or “dimensions,” it is clear from an examination of at least paragraph 31 and figure 5 of the application as originally filed that the applicants had possession of the invention claimed in claim 15 at the time of filing. *See* MPEP 2163(II)(A)(3)(a) (“If a skilled artisan would have understood the inventor to be in possession of the claimed invention at the time of filing, even if every nuance of the claims is not explicitly described in the specification, then the adequate description requirement is met.”). Therefore, even if claim 13 were not novel relative to Elsey, claim 15 should be allowed in its present form due to the unique limitations it includes.

Claim 17

The Applicants note that claim 17, like claim 1, is directed to a system for processing user inquiries which comprises both a first and a second response system. The Applicants further note that the system of claim 17 includes a global knowledge database configured to communicate with both the first and second response systems, and that both the first and second response systems are configured to provide responses to user inquiries. As set forth above with regard to claim 1, Elsey does *not* teach or suggest a system in which two different responses systems of two different types are in communication with a global knowledge database and capable of providing responses to user inquiries. Accordingly, the rejection of claim 17 should be withdrawn, and that claim should be allowed for at least the reasons given above with respect to claim 1.

New Claims 18-20

The Applicants note that new claims 18-20 each depend, either directly or indirectly, from claim 17, and therefore contain each limitation of that claim. Accordingly, because each of claims 18-20 incorporates each limitation from claim 17 by virtue of that dependency, claims 18-20 should be allowed for at least the reasons given above regarding claim 17.

In addition to being allowable due to their dependency from claim 17, claims 18-20 also recite additional unique limitations which provide further bases for distinction from Elsey. For example, claim 18 recites limitations similar to those discussed above with respect to claim 4, and therefore should be allowed for at least the reasons given above regarding claim 4. Similarly, claim 19 recites limitations similar to those discussed above regarding claim 15, and therefore should be allowed for at least the reasons given above regarding claim 15. Similarly, claim 20 further narrows claim 19 by reciting limitations which are similar to those discussed above with respect to claim 13. Support for new claims 18-20 can be found in description, figures and claim of the application as originally filed, and no new matter is believed or intended to be introduced by the addition of those claims. Accordingly, claims 18-20 should be allowed in their present form.

CONCLUSION

In light of the arguments made herein, it is respectfully submitted that the claims of the present application meet the requirements of patentability under 35 U.S.C. §§ 102 and 112. Accordingly, reconsideration and allowance of these claims are earnestly solicited. Additionally, the Applicants submit that the arguments made herein do not constitute an exhaustive list of the novel limitations found in claims 1-20 which are not taught or suggested in the art of record. To the extent that the Applicants have not addressed certain aspects of the present rejection, please do not construe the same as an admission as to the merits of the rejections. Indeed, the Applicants reserve all rights with respect to arguments not explicitly raised herein. Further, the Applicants state that, while certain characterizations were accepted for the purpose of making certain arguments, the applicants accepted those characterizations for the purpose of presenting those specific arguments only, and did not intend for those acceptances to be treated as concessions. The Applicants encourage the Examiner to contact their representative, William Morriss at (513) 651-6915 at wmorriss@fbtlaw.com if further questions remain as to the patentability of any of the claims pending in this application.

The Commissioner for Patents is hereby authorized to charge any deficiency or credit any overpayment of fees to Frost Brown Todd LLC Deposit Account No. 06-2226.

Respectfully submitted,

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